STATUTORY INSTRUMENTS

2015 No. 1623

WATER RESOURCES, ENGLAND AND WALES

The Water Environment (Water Framework Directive) (England and Wales) (Amendment) Regulations 2015

Made - - - -	*24th August 2015*
Laid before Parliament	*24th August 2015*
Laid before the National Assembly for Wales - -	*24th August 2015*
Coming into force - -	*14th September 2015*

The Secretary of State, acting in relation to river basin districts that are wholly in England, and the Welsh Ministers, acting in relation to river basin districts that are wholly in Wales, and the Secretary of State and the Welsh Ministers acting jointly in relation to river basin districts that are partly in England and partly in Wales, make these Regulations in exercise of the powers conferred upon them by section 2(2) of the European Communities Act 1972 [F1].

The Secretary of State is designated for the purposes of that section in relation to matters relating to the environment [F2], and the Welsh Ministers are designated for the purposes of that section in relation to water resources [F3].

F1 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), **section 27(1)(a)**, and the European Union (Amendment) Act 2008 (c. 7), **Part 1** of the Schedule.
F2 S.I. 2008/301.
F3 S.I. 2003/2901, to which there are amendments not relevant to these Regulations.

Citation and commencement

1. These Regulations may be cited as the Water Environment (Water Framework Directive) (England and Wales) (Amendment) Regulations 2015 and come into force on 14th September 2015.

Amendments to the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003

2. The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 [F4] are amended in accordance with regulations 3 to 13.

F4 S.I. 2003/3242, amended by S.I. 2013/755 (W.90); there are other amending instruments but none is relevant.

Regulation 2 (interpretation)

3.—(1) In regulation 2(1)—

(a) omit the definition of "the Assembly";

(b) for the definition of "the Directive", substitute—

""the Directive" means Directive 2000/60/EC of the European Parliament and of the Council of 23rd October 2000 establishing a framework for Community action in the field of water policy [F5];";

(c) in the definition of "environmental objectives", after "(waters used for the abstraction of drinking water)", insert " , and the EQS Directive ";

(d) in the definition of "public body", for "or the Assembly" substitute " , the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government ";

(e) insert each of the following in the appropriate place—

""the EQS Directive" means Directive 2008/105/EC of the European Parliament and of the Council on environmental quality standards in the field of water policy [F6];";

""existing obligations" means the obligations (on environmental quality standards in the field of water policy) under Directive 2008/105/EC ("the original Directive") before it was amended by Directive 2013/39/EU including, in particular, the achievement of good surface water chemical status in relation to the substances and the associated environmental quality standards listed in the original Directive;";

""the table of priority substances" means the table in Part A of Annex I to the EQS Directive;".

(2) In regulation 2(1B)—

(a) in the opening words and in paragraphs (a) and (b), omit each "and each of its principal regional offices"; and

(b) in paragraph (c), omit "and each of their principal regional offices".

F5 OJ No L 327, 22.12.2000, p1, as last amended by Commission Directive 2014/101/EU (OJ No L 311, 31.10.2014, p32). The effect of section 20A of the Interpretation Act 1978 (c.30) is that the updated reference to Directive 2000/60/EC is to that Directive as last amended by Commission Directive 2014/101/EU.

F6 OJ No L 348, 24.12.2008, p84, as last amended by Directive 2013/39/EU (OJ No L 226, 24.8.2013, p1).

Regulation 3 (the general duties)

4.—(1) In regulation 3(1)—

(a) for "the Assembly", substitute " the Welsh Ministers "; and

(b) after "of the Directive", insert " and the EQS Directive ".

(2) In regulation 3(2), for "of the Directive for the achievement of its environmental objectives", substitute " of the Directive and the EQS Directive for the achievement of the environmental objectives ".

Regulation 9 (monitoring)

5. In regulation 9, after paragraph (4) insert—

"(5) By 22nd December 2018, the appropriate agency must establish, for each river basin district, a monitoring programme in respect of substances 34 to 45 in the table of priority substances.".

Regulation 10 (environmental objectives and programmes of measures)

6. In regulation 10, after paragraph (5) insert—

"(6) Without prejudice to the existing obligations, the appropriate authority must ensure that a programmes of measures updated by 22nd December 2015, or subsequently, under paragraph (5)(a)(iii) includes measures for the purpose of aiming to achieve good surface water chemical status by 22nd December 2021 in relation to substances 2, 5, 15, 20, 22, 23 and 28 in the table of priority substances.".

New regulation 10A (further programmes of measures)

7. After regulation 10 insert—

"**Further programmes of measures in relation to certain priority substances**

10A.—(1) The appropriate agency must, by 22nd December 2018, establish a preliminary programme of measures for each river basin district in relation to substances 34 to 45 in the table of priority substances.

(2) For the purposes of a programme of measures to be updated under regulation 10(5)(a)(iii) by 22nd December 2021, the appropriate agency must, by such date as the appropriate authority directs, prepare and submit to the appropriate authority proposals for a final programme of measures for the purposes of aiming to achieve good surface water chemical status in relation to substances 34 to 45 in the table of priority substances by 22nd December 2027 and preventing deterioration in the chemical status of each body of surface water in relation to those substances.

(3) Regulation 10(2) applies to the preparation by the appropriate agency of its proposals under paragraph (2) as it does to proposals under regulation 10(1).

(4) Without prejudice to the existing obligations, the appropriate authority must ensure that, for each river basin district, the programme of measures updated under regulation 10(5)(a)(iii) by 22nd December 2021 contains measures for the purposes of aiming to achieve good surface water chemical status in relation to substances 34 to 45 in the table of priority substances by 22nd December 2027 and preventing deterioration in the chemical status of each body of surface water in relation to those substances.

(5) Regulation 10(3) and (4) applies in relation to proposals for a programme of measures submitted to the appropriate authority under paragraph (2) as it does to proposals submitted under regulation 10(1).

(6) The appropriate authority must ensure that the measures referred to in paragraph (4) are made operational as soon as possible after 22nd December 2021, and at the latest by 22nd December 2024.".

Regulation 11 (river basin management plans)

8.—(1) In regulation 11(2)(b), after "the Directive" insert " and the EQS Directive ".

(2) After regulation 11(3) insert—

"(3A) The relevant provisions of the EQS Directive for the purposes of this regulation are—

(a) Article 3(5) (information about monitoring and analysis, including alternative matrices);

(b) Article 4(2) (information relating to mixing zones);

(c) Article 5(4) (updated inventories).".

Regulation 18 (publication of information)

9. In regulation 18, after paragraph (3) insert—

"(4) The appropriate authority must ensure that an interim report describing progress in the implementation of the planned programme of measures required to be produced under Article 15(3) of the Directive is made available via a central portal which is accessible to the public electronically in accordance with Article 7(1) of Directive 2003/4/EC of the European Parliament and of the Council on public access to environmental information [F7].".

F7 OJ No L 41, 14.2.2003, p26.

New regulation 18A

10. After regulation 18 insert—

"**Coordination**

18A.—(1) This regulation applies where the results of a report under Article 7a of the EQS Directive show that additional measures at European Union or member State level may be necessary in order to facilitate compliance with the Directive in relation to a particular substance approved pursuant to Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market [F8] or Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products [F9].

(2) The competent authority must apply Article 44 of Regulation (EC) No 1107/2009 or Article 48 of Regulation (EU) No 528/2012, as appropriate, to the relevant substance referred to in paragraph (1), or products containing that substance.

(3) In applying the provisions referred to in paragraph (2), the competent authority must take into account any risk evaluations and socio-economic or cost-benefit analyses required under Regulation (EC) No 1107/2009 or Regulation (EU) No 528/2012, including as regards the availability of alternatives.

(4) The competent authority for the purposes of this regulation is the person defined as the competent authority for England or Wales—

(a) in respect of Regulation (EC) No 1107/2009, under regulation 3 of the Plant Protection Products Regulations 2011 [F10];

(b) in respect of Regulation (EU) No 528/2012, under regulation 5 of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 [F11].".

F8 OJ No L 309, 24.11.2009, p1, as last amended by Regulation (EU) No 652/2014 (OJ No L 189, 27.6.2014, p1).